

HARYANA RIGHT TO SERVICE COMMISSION
SCO No- 38-39, SECTOR 17A (2nd& 3rd floor) CHANDIGARH- 160017

No. HRTSC/File no. 175 / SM - 360 / 1277
Post & E-mail

Dated: 24.03.2023

Suo-moto Notice

To

Sh. Pawan Kumar,
The then Sub Divisional Engineer,
Sub Division (Water), Narnaul PHED No.4(now SDE, Kanina under Divsn Ateli,
Narnaul)

1. The Haryana Right to Service Commission (hereinafter referred to as the Commission) has been constituted under Haryana Right to Service Act, 2014 (hereinafter referred to as the 'Act') to ensure delivery of notified services within notified timelines. These services have been notified by publication in the Official Gazette by the State Government under Section 3 of the Act.
2. The Section 17 of Haryana Right to Service Act, 2014 reads as under:
 - i) take *suo-moto* notice of failure to deliver service in accordance with this Act and refer such cases for decision to the First Grievance Redressal Authority or the Second Grievance Redressal Authority or pass such order, as may be appropriate;
 - ii) carry out inspections of offices entrusted with the delivery of services and the offices of the First Grievance Redressal Authority and the Second Grievance Redressal Authority;
 - iii) recommend Departmental action against any officer or employee of the State Government, who has failed in due discharge of functions cast upon him under this Act;
 - iv) recommend changes in procedures and process re-engineering for delivery of services which may make the delivery more transparent and earlier;

Provided that before making such a recommendation, the Commission shall consult the Administrative Secretary in-charge of the Department which is to deliver the service;

- v) recommend additional services to be notified under section 3 and may also suggest modification in the notifications already issued for better implementation of this Act;
- vi) issue general instructions, not inconsistent with the provisions of this Act for the guidance of Designated Officers, the First Grievance Redressal Authority and the Second Grievance Redressal Authority;

vii) impose penalty on Designated Officer or any other official involved in the process of providing such service up to a sum of twenty thousand rupees, as deemed fit under the circumstances of the case and allow compensation up to five thousand rupees, to be paid to eligible person by defaulter;

viii) Where the Commission is satisfied that there are reasonable grounds to inquire into a matter arising out of the provisions of this Act, it may, *suo-moto*, initiate an inquiry in respect thereof. The Commission shall, while inquiring into any matter under this section, have the same powers as are vested in a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely: -

- i) summoning the parties;
- ii) receiving oral evidence on oath or written evidence on affidavits;
- iii) requiring the discovery and inspection of documents;
- iv) requisitioning of any public record from any office;
- v) obtaining copies of record from any court in accordance with law;
- vi) issuing summons for examination of witnesses or documents; and



vii) any other matter, which may be prescribed.

3. During CM Samvadh on 18.03.2023 at 5:00 pm, Hon'ble Chief Minister, Haryana spoke to Sh. Gourav, one of the appellant on Auto Appeal System(AAS) who made an application with Reference Id 428108 on 24.11.2021 regarding sewerage blocked/over flow of manholes which was shown as completed on 03.12.2021 by you as the designated officer on the SARAL Portal. However, after speaking to the complainant, it was found that no resolution of the complaint was done on the ground which is contrary to the status shown on the portal. Taking cognizance of the issue as it is a notified service no.49(ii) namely sewerage blocked over flow of manholes (under PHED Department) with a notified timeline of 7 working days), this suo-moto notice is hereby issued to you, Sh. Pawan Kumar, the then Sub Divisional Engineer, Sub Division (Water), Narnaul PHED No.4(now SDE, Kanina under Div. Ateli, Narnaul) being the designated officer so as decide as to why a penalty of ₹20,000 may not be imposed upon you and a compensation of ₹5,000 may not be paid to the applicant in this case for your act of omission.
4. In exercise of powers of Civil Court conferred upon the Haryana Right to Service Commission, by Section 17(3) (c) of the Haryana Right to Service Act 2014, to conduct this Inquiry, you, Sh. Pawan Kumar, the then Sub Divisional Engineer, Sub Division (Water), Narnaul PHED No.4(now SDE, Kanina under Divsn Ateli, Narnaul) are directed to furnish the reply pertaining to this case by 03.04.2023 through email at rtsc-hry@gov.in. The reply should be signed by you and not by anyone on your behalf.
5. Further, in exercise of powers of Civil Court conferred upon the Haryana Right to Service Commission, by Section 17(3)(a) of the Haryana Right to Service Act 2014, to conduct this Inquiry, the Commission further directs you, Sh. Pawan Kumar, the then Sub Divisional Engineer, Sub Division (Water), Narnaul PHED No.4(now SDE, Kanina under Div. Ateli, Narnaul) to appear before Shri Hitender Kumar, Secretary, Haryana Right to Service Commission through Video-Conference at 10.30 am on 07.04.2023 for further proceedings in this inquiry.

BY ORDER OF THE HARYANA RIGHT TO SERVICE COMMISSION AT CHANDIGARH.

Encl: As above



(Signature)

(Sube Khan)

Under Secretary-cum- Registrar,
Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in

Endst. No HRTSC/ File No. 175/SM-360/1278

Dated: 24.03.2023

A copy is forwarded to the following Sh.Gourav(Appellant). He is advised to be present at the time of hearing through VC.

(Signature)

(Sube Khan)

Under Secretary-cum- Registrar,
Haryana Right to Service Commission
E-mail: rtsc-hry@gov.in